

REMARKS

Reconsideration and allowance of the present application are respectfully requested. Applicant believes this communication to be fully responsive to all issues raised in the 1/3/06 Final Office Action.

Claims 1, 4-19, 21-27, 29-31, and 33-42 were pending at the time of the Final Office Action.

Claims 1, 4-19, 21-27, 29-30, and 35-42 are currently pending as a result of this communication.

Claims 1, 4, 6, 8, 19, 26, and 35 are currently amended.

Claims 2, 3, 20, 28, and 31-34 are cancelled without prejudice or disclaimer.

Regarding the 35 U.S.C. § 101 Rejection

The Office Action again rejects claims 1 and 4-7 under 35 U.S.C. § 101 because the claimed invention is alleged to be directed to non-statutory subject matter. More specifically, in paragraph No. 8, the Office Action alleges that the claims 1-7 "consist solely of computer program, which is non-statutory functional descriptive material." The Office Action further states that the "language...of the claims does not recite any computer hardware involvement." Applicant respectfully traverses this rejection for the following reasons.

First, Applicant respectfully notes that the Office appears to have restated the previous §101 rejection without citing the authority for its position. Lacking knowledge of such authority Applicant is at a disadvantage to respond in a manner which furthers prosecution of the present application on the merits. Accordingly, Applicant again respectfully requests that the Office cite the authority for its position that claims 1 and 4-7 are rejected for lack of "recit[ing] any computer hardware involvement".

1 Second, claims 1 and 4-7 are directed to, in part, a “system” comprising “a
2 pluggable security policy enforcement module configured to be replaceable in the system
3 and to provide different granularities of control for a business logic in the system,
4 wherein the business logic processes requests submitted to the system.” The terms
5 “system,” “pluggable security policy enforcement module,” and “business logic” all point
6 to physical mechanisms for implementing the invention, rather than a mere descriptive
7 recitation of a program *per se*. For example, by virtue of the fact that “business logic” is
8 recited which “processes requests,” these claims refer to a physical agent which performs
9 the processing, rather than a mere description of what the processing entails. Claims 1
10 and 4-7 should therefore be classified as statutory product claims.

11 In fact, the MPEP itself states, in discussing functional descriptive material, that,
12 “When a computer program is recited in conjunction with a physical structure, such as a
13 computer memory, Office personnel should treat the claim as a product claim,” (MPEP §
14 2106, page 2100-13 of the May 2004 revision). It is true that *one* exemplary and non-
15 limiting way of implementing the pluggable security policy enforcement module is using
16 software; however, in accordance with the MPEP, software is not being claimed *per se* in
17 a proscribed descriptive manner. The Office Action cites no authority to counter the
18 express instructions of the MPEP; namely, the Office Action cites no authority for its
19 position that a *system* claim may be construed as functional descriptive material.

20 For the above-identified reasons, Applicant respectfully requests that the rejection
21 of claims 1 and 4-7 be withdrawn. In the alternative, if this rejection is repeated, the
22 Patent Office is again respectfully requested to support its position by citing the authority
23 it is relying on as the basis for the §101 rejection.

1 *Regarding the 35 U.S.C. § 102 Rejection*

2 All of the claims, i.e., claim 1, 4-19, 21-27, 29-31 and 33-42 were rejected under
3 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,487,665 to Andrews et al.
4 (referred to below as "Andrews"). Applicant respectfully traverses this rejection for the
5 following reasons. (As claims 31 and 33-34 have been canceled herein, the rejection is
6 discussed with respect to the remaining claims, i.e., claims 1, 4-19, 21-27, 29-30, and 35-
7 42.)

8 Applicant respectfully submits that the clarifying claim amendments
9 contained herein recite features which are not disclosed by Andrews. For example,
10 Andrews does not show or disclose "wherein the business logic employs interaction-
11 based definitions in which a component which performs the operation is defined by a
12 series of request-response interaction definitions that can be satisfied to perform the
13 operation" as recited in claim 1. Accordingly, the above specified claim rejections
14 are rendered moot by the present claim amendments. Applicant respectfully
15 requests allowance of the pending claims.
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1 *Conclusion*

2 All objections and rejections raised in the Office Action having been addressed, it
3 is respectfully submitted that the present application is in condition for allowance and
4 such allowance is respectfully solicited. The Examiner is urged to contact the
5 undersigned if any issues remain unresolved by this Amendment.

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8 Respectfully Submitted,

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10 Dated: 6/2/06

11 By: 

12 Paul W. Mitchell
13 Reg. No. 44,453
14 (509) 324-9256
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